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CURRENT NOTES

THE WORK OF THE LEAGUE OF NATIONS ¹

The inauguration of the League of Nations took place at Paris in the Ministry of Foreign Affairs on January 16, 1920. Representatives of the eight members of the Council, exclusive of the United States, namely, Belgium, Brazil, the British Empire, France, Greece, Italy, Japan and Spain, formally met, elected M. Leon Bourgeois, of France, the first chairman of the Council, and proceeded to organize the machinery for the practical execution of the clauses of the Treaty of Peace, the urgent necessity of which, the chairman explained, made it impossible further to postpone the meeting of the Council. The Treaty went into effect on January 10, 1920, and on that date the various periods prescribed for carrying out its provisions began to run.

The meeting had been convened by the President of the United States, pursuant to Article 5 of the Covenant of the League. Commenting upon the absence of a representative of the United States, M. Bourgeois said: "We respect the reasons which still delay the final decision of our friends in Washington, but we may all express the hope that these last difficulties will soon be overcome, and that a representative of the great American Republic will occupy the place which awaits him among us. The work of the Council will then assume that definite character, and that particular force which should be associated with it."

Subsequent to the inaugural session meetings were held in London, February 11-13; Paris, March 13 and April 9-11; and Rome, May 14-19, 1920.

At the London session the following important announcement re-

¹ The information given in this note is taken from the *Official Journal* of the League of Nations, Nos. 1-4, covering the months of February to May, 1920.

garding publicity for the work of the Council was made by Mr. A. J. Balfour, who presided over that session:

After consultation with M. Bourgeois and with my other colleagues, we have come to the conclusion that the details of our work cannot with advantage take place in an open assembly. We recognize the extreme importance, and indeed necessity, of publicity in the true and useful form of that phrase, but the actual detailed discussion we believe can only be carried on with that perfect freedom which is desirable—I even go further, and say necessary—if the work is to be efficiently done. The course therefore that we propose to take is to have this meeting, at which we are all here gathered together, an open meeting; then to resolve ourselves as it were into a committee and deal with the agenda in detail; then to have another open meeting, at which the general results of our labors will be communicated to the public, first to any who may be present in this room and through them to the public at large. That is the procedure which commends itself unanimously to my colleagues. I am convinced that it is the right procedure, and I trust that we shall be supported in that decision by the general verdict of public opinion.

The Saar Basin

The first business to come before the Council was the appointment of the commission to delimit the frontier of the Saar Basin. Under Article 48 of the Treaty of Peace, this commission is composed of five members, one appointed by France, one by Germany, and three nationals of other Powers to be appointed by the Council of the League. The Council accordingly, at its first meeting, appointed members from Great Britain, Belgium and Japan. The Governing Commission for the Saar Basin provided by the treaty was appointed at the second session of the Council, being composed of representatives of France, the Saar territory, Belgium, Denmark and Canada. The Council at the same time adopted a set of directions for the guidance of the commission. They are printed in the Supplement, page 360. The first report of the Governing Commission, submitted to the Council on March 25, 1920, stated that the commission assumed power on February 26 and on that date made its official entry into Saarbruck, which was chosen as the seat of the government.

The Permanent Court of International Justice

The next subject to receive the attention of the Council was the organization of a Permanent Court of International Justice, as provided for in Article 14 of the Covenant of the League. At the second

session, held in London, a report upon this subject was submitted by M. Bourgeois, which is reproduced in full because of its peculiar interest to the readers of the JOURNAL:

REPORT ON THE ORGANIZATION OF A PERMANENT COURT OF INTERNATIONAL JUSTICE

Submitted by M. Leon Bourgeois, French Representative

The League of Nations, like a group of individuals, can only exist if the rights of each member are scrupulously respected. Its aim is to establish a reign of justice in a world which has been convulsed by the most murderous of wars; the League must be founded on justice.

If justice is to reign, it must have a permanent instrument to its hand—it must take some tangible form which will make its existence felt among the peoples and give the support of its powerful, impartial and supreme authority to those whose weakness is only too often undefended.

In each state private individuals know where to find judges to whom they can submit their grievances, and who will settle justly the questions on which there is conflict. In addition to *national* courts of law, whose duty it is to administer the laws of each state within its territorial limits, there is room for an *international tribunal* entrusted with the important task of administering *international law* and enforcing among the nations the *cuique sum* which is the law which governs human intercourse. This international tribunal will take the form of a Permanent Court of International Justice, the early establishment of which is provided for in the Covenant of the League of Nations, though the preparations for the court are left to the Council of the League.

"The Council," runs Article 14 of the Covenant, "shall formulate and submit to the members of the League plans for the establishment of a Permanent Court of International Justice. This court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly."

This court of justice which is about to be established, whose general jurisdiction has thus been briefly described, has already been invested with certain definite powers by the Peace Treaty of Versailles and the other treaties modeled upon it. For instance, Articles 336, 337 and 386 of the Treaty of Versailles entrust to the tribunal set up by the League of Nations the investigation and solution of various problems concerning international waterways. Articles 415 to 420 and 423, on the organization of labor, bring within the jurisdiction of the court a matter which is still more important.

In order to give full effect to these stipulations, and to curtail the temporary measures which are considered to be necessary (see Articles 425 and 426), it is essential that consideration shall be given without delay to the formation of the Permanent Court of International Justice. For this reason the Council has been called upon to study this problem at its meeting today.

The idea of entrusting to a supreme tribunal the peaceable settlement of

disputes between nations and between governments is of the greatest antiquity. But until now this tribunal has engaged only in arbitration, which alone seems consistent with the sovereignty of states. In early days princes and towns in France and Italy submitted their differences to trusted arbitrators whose decisions they accepted in advance.

In the Middle Ages, not to mention the Greek Amphictyonic Councils and the courts of ancient Rome, interesting examples of international arbitration could be found. Kings of France, Saint Louis amongst them, Popes, jurists of the School of Bologna, were often chosen as arbitrators in the courts of that period.

In the last half-century particularly arbitration achieved its most valuable conquests. The settlement by arbitration at Geneva in 1872 of the dispute between Great Britain and the United States in the Alabama affair is within the memory of many of us; and subsequent settlements between 1872 and 1899 have happily put an end to dangerous disagreements which appeared incapable of solution but by the force of arms.

While becoming more and more frequent, arbitration was still only an incident in the life of nations; it knew no law but the convenience of states which, sure of their right or distrustful of their military strength, would consent to accept its verdict. Free as they were to accept or refuse the arbitrator's services, wholly free to select who those arbitrators should be, the Powers were no less free to settle the order of procedure suitable for the settlement of their disputes: there were times, indeed, when they found this liberty truly embarrassing.

The appointment of one or of several arbitrators, the constitution of a court of arbitration, the drawing up of the procedure to be followed in any particular suit, involved delicate negotiations and raised difficulties before which the states at variance often recoiled: a tendency which threatened to discredit the very principle of arbitration.

The Institute of International Law in 1874 and 1875 prepared draft rules of procedure for arbitration courts. The important conventions on the peaceable settlement of international disputes signed at The Hague in 1899, and again in 1907, went further. Though they left the disputing parties entirely free to apply, as before, to arbitrators of their own selection (Convention of 1899, Article 21; Convention of 1907, Article 42), they put at their disposal an organized body of arbitrators ready to take up their duties and, according to a procedure carefully laid down beforehand, to deal with grievances submitted to them. This is the Permanent Court of Arbitration, with its seat at The Hague. Article 20 of the Convention of 1899, reproduced in Article 41 in the Convention of 1907, defines clearly the part assigned to the new tribunal. "In order to facilitate *immediate* appeal to arbitration for international disputes which diplomacy has failed to settle, the signatory Powers undertake to set up a Permanent Court of Arbitration, available at all times and operating, unless otherwise desired by the contending parties, according to the rules of procedure in the present convention."

The Permanent Court of The Hague does not consist of a fixed number of magistrates invested with public duties, sitting periodically, if not continuously, waiting for litigants, and always ready, as national courts are, to decide disputes submitted to them. As a matter of fact, the only permanent feature of the court

is the International Office, which acts as its registry and as the necessary channel for all communications concerning its meetings and general work.

There is also a governing body composed of diplomatic representatives of the contracting Powers, accredited to The Hague, and presided over by the Minister of Foreign Affairs of the Netherlands. It is the duty of this council to draw up the rules necessary to insure the satisfactory working of the Court of Arbitration, and the International Office is placed under its direction and control. The court, properly so called, consists of a panel or list of men of the highest moral standing—not more than four from each state—from amongst whom the contending parties are permitted to make their own free choice of the members of the tribunal to give judgment in their disputes, without the slightest obligation to limit their selection in any way to the official arbitrators proposed to them.

The court of The Hague is not, therefore, really a permanent tribunal and has not the special character of a court of justice. It has, nevertheless, made considerable progress on the previous system of arbitration.

No one would wish to belittle a system of international justice which has already brilliantly justified its existence, nor restrict the field of arbitration, and close the doors of the court of The Hague. But as early as 1907 the attention of the Peace Conference was drawn to the advisability of creating a really permanent tribunal, working either as a part of the court already set up at The Hague, or side by side with it, with the object of giving to the future decisions of international judges the unity and the stability which the awards of arbitrators had hitherto lacked. The United States suggested that a court should be set up entirely separate from that of 1899, sitting in regular and continuous session. This scheme, which was adopted by the conference, may be thus briefly described:

The Court of Justice consists of a *small number* of judges and deputy-judges nominated for twelve years; they shall be eminent lawyers of the highest reputation, of recognized authority on questions of international law. They will be required to take an oath or make a solemn declaration, and will receive remuneration for their services. The court shall have its seat at The Hague and will meet once a year. A delegation of three judges, appointed annually by the court, will deal with urgent matters requiring prompt settlement, and will, if necessary, conduct inquiries. Further, the scheme of 1907 leaves a purely optional authority to the court for whose organization it is responsible; it maintains, in its general outline, the procedure fixed in 1899 for the arbitration tribunals, but it is careful to lay down that the decisions of the new tribunal shall be based on the evidence of reason.

On all these points agreement was easy; it was not so, however, when it became necessary to decide how the members of the court should be appointed. The number of judges had necessarily to be restricted, and there could be no question of giving a representative to each of the forty-four states which had taken part in the work of the conference. How was a choice to be made between Powers of equal sovereignty, equally jealous of their prerogatives? Should the selected judges, to the number of, say, fifteen or seventeen be chosen for their ability and without distinction of nationality by the general assembly of the Court of Arbitration or by the representatives of the states? Should they be

drawn by lot for each case from amongst representatives nominated by each of the forty-four states invited to the conference? Would a rotation-roll be possible, as was proposed by the United States and decided for the International Prize Court, each of the great Powers to have a permanent judge, whilst the others would have a judge only for a number of years commensurate with their importance? On this question, which threatened the very principle of the legal equality of nations, the conference could arrive at no definite conclusion; it therefore gave up the idea of organizing the court itself, the principle of which it approved, and contented itself with inserting in the final report of its labors a hope expressed in these words: "The conference recommends to the signatory Powers the adoption of the annexed convention and scheme for the establishment of a Court of Justice by Arbitration and for its putting into force as soon as an agreement has been reached on the nomination of judges and the constitution of the court."

It rests with the League of Nations, the outcome of the War of Nations, to realize today this hope which the Institute of International Law expressed at its meeting at Christiania in 1912. Moreover, circumstances are singularly favorable for its immediate realization. From all parts of the devastated and tormented world rises a cry for justice. The military and moral unity which for five years has held the free peoples together, and concentrated their efforts in the defense of the right, must survive with our victory; it can find no nobler expression nor a more splendid symbol than the establishment of a *Permanent Court of International Justice*. This instrument of the League of Nations, this court, however composed, will be free from all national preoccupations, particularly the exercise of its sovereign jurisdiction; and the intervention of the Council or even of the Assembly, in the choice of its members will be calculated to remove all anxieties and guarantee against all attack the guardian principle of the equality of nations. How is this problem to be solved? How shall the Permanent Court be organized? How shall its members be nominated? In what country, in what city, shall this new tribunal have its seat? Is it possible to specify now the rule of procedure to be followed in the investigation and trial of the cases to be brought before it, or shall this duty be left to the court itself? Such, amongst many others, are the principal problems set before us by the mandate which Article 14 of the Covenant of the League of Nations has entrusted to us. It seems that the study of them may usefully be entrusted to a commission of legal experts, whose conclusions will be brought up and discussed at one of our next meetings. The duty assigned to our collaborators will be facilitated by the extensive researches initiated in various countries by the unfinished work of The Hague. The reports at the Conference to which the problems of the composition and procedure of the Permanent Court often gave rise in 1907 will form the natural point of departure for their inquiry. This inquiry will lead them to prepare a scheme designated to satisfy absolute justice, to conciliate the legitimate interests of nations, to crown in the happiest manner possible the evolution of centuries whose history we have related.

Accordingly, in agreement with the Secretary-General, we now have the honor

to propose the constitution of this committee, and the appointment of the following gentlemen to act as members:

Mr. Satsuo Akidzuki, former Ambassador of His Majesty the Emperor of Japan.

Mr. Rafael Altamira, Senator, Professor of the Faculty of Law of the University of Madrid.

Mr. Clovis Bevilacqua, Professor of the Faculty of Law of Pernambuco and Legal Adviser to the Ministry of Foreign Affairs of Brazil.

Baron Descamps, Belgian Minister of State.

Señor Luis Maria Drago, former Minister for Foreign Affairs of the Argentine Republic.

Professor Fadda, Professor of Law at the University of Naples.

M. Fromageot, Legal Adviser to the Ministry of Foreign Affairs at Paris.

Mr. G. W. W. Gram, former Member of the Supreme Court of Norway.

Dr. Loder, Member of the Court of Cassation of the Netherlands.

Lord Phillimore, Member of the Privy Council of His Majesty the King of England.

Mr. Elihu Root, former Secretary of State of the United States of America.

Mr. Vesnitch, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Serbs, Croats and Slovenes in Paris.

Upon motion of Mr. Balfour, the jurists named by M. Bourgeois were invited to serve upon the committee. The members of the American Society of International Law will be especially interested in the following remarks of Mr. Balfour singling out for particular mention the inclusion in the list of jurists invited of the name of the distinguished gentleman who has been the president of the Society since its foundation:

It will not have escaped the notice of anybody who has heard the list that in it is included the distinguished name of Mr. Root, the well-known American lawyer. It may be that Mr. Root for one reason or another will not find it possible immediately to accept, but the Council desire formally to put on record that Mr. Root will always be welcome at whatever stage of our proceedings he feels it within his power to add to our deliberations the great weight of his learning and his name.

All of the jurists who were invited accepted with the exception of Messrs. Akidzuki, Gram and Drago. At the fifth session of the Council the Secretary-General announced that Mr. Adatei had accepted in place of Mr. Akidzuki, and that the committee would be composed of ten members instead of twelve, five being nationals of the five great Powers and five nationals of five smaller Powers. Details of the work of the committee are given elsewhere in these columns, page 581.

The text of the draft scheme adopted by the committee is printed in the Supplement hereto, page 371.

International Régime of Ports, Waterways and Railways

The Council also at its second session took up the question of carrying out the functions of the League with reference to transit, ports, waterways and railways. A report upon this subject was submitted by M. Quinones de Leon, of Spain, who proposed that the Commission on the International Régime of Ports, Waterways and Railways, originally a part of the Peace Conference organization at Paris and continued in an advisory capacity with the addition of representatives of certain neutral Powers upon the invitation of the French Government, be requested to submit proposals for the formation of a permanent organization as part of the League of Nations and to act provisionally as adviser to the Council. The proposal was adopted, the commission accepted the invitation, and at the fifth session of the Council submitted a recommendation for the holding of a general conference on freedom of communications and transit to consider the principles to be followed in carrying out the Treaty of Peace, to elaborate general conventions concerning the international régime of transit, ports, waterways and railways, and to organize a permanent communications committee as a consultative and technical body to assist the Council and Assembly of the League in carrying out the treaty provisions entrusted to their supervision. The Council approved this recommendation and directed the issuance of invitations to members of the League to send representatives to the proposed conference at a place and date to be later decided.

International Health Bureau

At the second session, the Council adopted a resolution inviting the Health Commission organized by the British Government to constitute a conference, by the addition to its membership of international health experts, to prepare and submit to the Council proposals concerning the establishment of a permanent advisory and executive body. The invitation was accepted and an international health conference called to meet in London in April. At the meeting of the Council in Paris on March 13, a resolution was passed requesting the international health conference to deal with the emergency of epidemic typhus in

Poland and to submit to the Council plans for united official action.

The recommendations of the international conference were submitted to the Rome meeting of the Council and approved. A commission to combat the typhus epidemic in Poland was appointed and an appeal sent to most of the countries of the world, both members and non-members of the League, urging contributions toward a fund of two million pounds sterling, the minimum amount required to deal with the situation.

Danzig

The duties of the League with reference to the free city of Danzig came up for consideration at the second meeting of the Council. After receiving a report upon the subject by M. Paul Hymans, the Belgian representative, the Council adopted the following resolutions:

In view of Articles 100 to 108 of the Treaty of Versailles of June 28, 1919:

Whereas, the city of Danzig shall be established as a Free City, and

Whereas, the Free City of Danzig will be placed under the protection of the League of Nations, and

Whereas, a constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations, and

Whereas, this constitution of the Free City of Danzig shall be placed under the guarantee of the League of Nations; and,

Whereas, the High Commissioner of the League of Nations will also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to the Treaty of Peace with Germany, signed at Versailles, 28th June, 1919, or any arrangements or agreements made thereunder:

The Council of the League of Nations hereby resolve that:

1. Sir Reginald Tower be appointed High Commissioner of the League of Nations at Danzig, as from the date of this resolution, be entrusted with the duties of High Commissioner, as mentioned above, and be invited to submit, in due time, the constitution of the Free City of Danzig to the approval of the League of Nations, in order that the constitution may be placed under the guarantee thereof.

2. The suggestions set forth in the attached memorandum ² in respect of the

² The memorandum referred to prescribes the duties of the High Commissioner as follows:

(1) To come to an agreement with the duly appointed representatives of the Free City with regard to its constitution. For this purpose he must be satisfied that the representatives of the city are in fact "duly appointed." The Treaty of Peace does not regulate the appointment of such representatives. It will be the duty of the High Commissioner to make proposals on this subject as soon as possible to the Council of the League of Nations. He must clearly arrange

High Commissioner of the League of Nations at Danzig be herewith agreed to.

3. Copies of the present resolution and of the memorandum be forwarded to the High Commissioner by the Secretary-General of the League of Nations.

Elections for representatives to frame the Danzig constitution took place on May 16, in accordance with procedure submitted to the Council by the High Commissioner and approved at its April meeting.

Polish Minorities Treaty

Under Article 12 of the treaty signed by Poland at Versailles on June 28, 1919, Poland agreed that the stipulations of the treaty affecting minorities constitute obligations of international concern and would be placed under the guarantee of the League of Nations. A report submitted at the second session of the Council by Mr. M. K. Matsui, of Japan, considered the question whether the League of Nations should undertake this guarantee. The Council adopted a resolution placing the said treaty stipulations under the guarantee of the League.

Admission of Switzerland to the League

The next business before the Council at its second session related to the admission of Switzerland to the League. Two difficulties presented themselves, one growing out of the inability of Switzerland to give a definite answer within the time limit set for acceptance because of the necessity of a plebiscite, and the other being due to the reservation of Swiss neutrality. The manner in which these difficulties were overcome is shown in the following resolution adopted by the Council admitting Switzerland to the League:

The Council of the League of Nations, while affirming that the conception of neutrality of the members of the League is incompatible with the principle that all members will be obliged to co-operate in enforcing respect for their engagements, recognizes that Switzerland is in a unique situation, based on a tradition of several centuries which has been explicitly incorporated in the law

that the representation of the inhabitants of the Free City, for the important work of drawing up the constitution, shall be based on as broad and democratic a basis as possible.

(2) To deal in the first instance with all differences arising between Poland and the Free City of Danzig in regard to the Treaty of Peace, or any arrangements or agreements made thereunder.

(3) To report to the Council of the League of Nations through the Secretary-General on all matters within his jurisdiction as High Commissioner. No mention of this is made in the Treaty of Peace, but it will clearly be necessary for the Council to be kept fully informed.

of nations; and that the members of the League of Nations, signatories of the Treaty of Versailles, have rightly recognized by Article 435 that the guarantees stipulated in favor of Switzerland by the treaties of 1815 and especially by the act of November 20, 1815, constitute international obligations for the maintenance of peace. The members of the League of Nations are entitled to expect that the Swiss people will not stand aside when the high principles of the League have to be defended. It is in this sense that the Council of the League has taken note of the declaration made by the Swiss Government in its message to the Federal Assembly of August 4, 1919, and in its memorandum of January 13, 1920, which declarations have been confirmed by the Swiss delegates at the meeting of the Council and in accordance with which Switzerland recognizes and proclaims the duties of solidarity which membership of the League of Nations imposes upon her, including therein the duty of coöperating in such economic and financial measures as may be demanded by the League of Nations against a covenant-breaking state, and is prepared to make every sacrifice to defend her own territory under every circumstance, even during operations undertaken by the League of Nations, but will not be obliged to take part in any military action or to allow the passage of foreign troops or the preparation of military operations within her territory.

In accepting these declarations, the Council recognizes that the perpetual neutrality of Switzerland and the guarantee of the inviolability of her territory as incorporated in the law of nations, particularly in the treaties and in the act of 1815, are justified by the interests of general peace, and as such are compatible with the Covenant.

In view of the special character of the constitution of the Swiss Confederation, the Council of the League of Nations is of opinion that the notification of the Swiss declaration of accession to the League, based on the declaration of the Federal Assembly and to be carried out within two months from January 10, 1920 (the date of the coming into force of the Covenant of the League of Nations), can be accepted by the other members of the League as the declaration required by Article 1 for admission as an original member, provided that confirmation of this declaration by the Swiss people and Cantons be effected in the shortest possible time.

International Financial Conference

The final item of business at the second session was the adoption of the following resolution proposed by Mr. Balfour, regarding an International Financial Conference:

The Council of the League of Nations in view of the declaration of the British Chancellor of the Exchequer of 11th February, 1920, concerning the possible participation of Great Britain in an international conference on the subject of the world-wide financial and exchange crisis decides:

(1) That the League of Nations shall convene an international conference with a view to studying the financial crisis and to look for a means of remedying it and of mitigating the dangerous consequences arising from it.

(2) A commission composed of members of the Council nominated by the president is instructed to summon the states chiefly concerned to this conference and to convene it at the earliest possible date.

Pursuant to these resolutions, M. Bourgeois reported at the May meeting that the following countries had been invited, on April 8, 1920, to send delegates to an International Financial Conference, to be held in Brussels, towards the middle of May, 1920:

Argentina	Japan
Australia	New Zealand
Belgium	Norway
Brazil	Poland
Canada	Portugal
Chile	Roumania
Czecho-Slovakia	Serb-Croat-Slovene State
Denmark	South Africa
France	Spain
Greece	Sweden
Holland	Switzerland
India	United Kingdom
Italy	

He also reported that an invitation had been sent to the United States of America to send representatives to the conference or to take part in the work, and that other states not included in the list had been invited to send information and to make recommendations to the conference, the Council to decide on the conditions under which they might be heard. The agenda of the proposed international conference was also outlined. It called for the communication by the Allies of their decisions on reparations and war debts, and written statements from each country setting out its situation and policy with regard to external debt, public finance, and foreign trade, the receipt of this information to be followed by discussions on internal financial policy, including taxation, internal debt, currency and exchange regulations, and further discussions in regard to restoration of trade balance, including the effects of depreciated exchange, import restrictions, export policy, economic conditions of recovery and foreign credit facilities. At the conclusion of M. Bourgeois' report, the Council appointed M. Gustave Ador, of Switzerland, president of the proposed International Financial Conference.

Commission of Inquiry to Russia

The third session of the Council, held at Paris in March, was for the purpose of considering an appeal made by the International Labor Office through the Supreme Council for the sending of a commission to investigate conditions in Russia. The appointment of such a commission was authorized by the Council and an inquiry directed to be sent by radio asking whether the Russian Soviet authorities were prepared to receive the commission and to afford it the necessary immunities and facilities for its work. No reply was received to this request, which was sent on March 17, but upon its being repeated by the Secretary-General of the League on May 1 a reply, dated May 13, was received from the Central Executive Committee of the Soviets of Russia communicating the contents of a resolution which criticised the action of certain members of the League in making war on Russia and the failure of the League "officially to communicate the fact of its existence to the Russian people" or to oppose the action of Poland in attempting to seize Russian territory. The Soviet Government stated that it is keenly interested that representatives of all nations should know the internal situation of Russia, and would therefore admit representatives of the press and a delegation of the English Congress of Trades Unions, who would be given full liberty to study the situation in Russia in all its aspects. The reply further consented in principle to the visit of the delegation of the League of Nations, provided it contained no members "who have been associated with the plots against the Russian Government" or "representatives of nations which have in effect renounced their neutrality in the war on Soviet Russia."

This reply was laid before the Council of the League at its meeting in Rome. The conditions laid down were considered as practically amounting to a refusal of permission to send the commission, and an answer to this effect was directed to be sent, with the statement that the Council of the League "must lay upon the Soviet Government the entire responsibility for frustrating a step prompted solely by the desire to improve international relations and the economic situation of the world."

Disease in Central Europe

At the third meeting of the Council it approved an appeal which had previously been sent by Mr. Balfour to the International League

of Red Cross Societies to organize an effort to deal with the ravages inflicted by disease upon the underfed populations of Central Europe. A favorable response to the appeal, conditioned upon the assurance that food, clothing and transportation would be supplied by the governments, was presented to the Council at its fifth session. A survey made by the Relief Credits Committee in Paris of the available supplies remaining on hand from the supplies furnished by the British and American Governments, the Red Cross and other societies and individuals, showed supplies sufficient to last at least until the next harvest, and the Council therefore requested the League of Red Cross Societies to proceed with the formulation of plans and the issuance of a general appeal for assistance.

Mandate for Armenia

The question of a mandate for Armenia was brought before the Council at its April meeting by an inquiry dated March 12, 1920, from Lord Curzon, acting in his capacity as president of the conference of Foreign Ministers and Ambassadors sitting in London, as to whether the Council of the League would be prepared to accept, on behalf of the League of Nations, the protection of the future independent State of Armenia. A report upon the request was presented by the British representative in the Council, Mr. H. A. L. Fisher, and a memorandum agreed upon containing the following reply:

The Council of the League is, in a word, in full accord with the Supreme Council as to the claims of the Armenian nation. It regards the establishment of an Armenian state upon a safe and independent basis as an obligation of humanity and as an end worthy of effort and sacrifice upon the part of the civilized Powers of the world. Within the limits of its own authority, it is anxious to co-operate to this end. On the other hand, the Council of the League realizes its own limitations. It realizes that it is not a state; that it has as yet no army and no finances, and that its action upon public opinion would be fainter in Asia Minor than in the more civilized regions of Europe. Nor can the Council forget the bitter disillusionment of the Armenian nation over the failure of the Armenian clauses inserted in the treaties of the last century. It cannot overlook the fact that the stipulation of Article 22 does not contemplate the League of Nations itself accepting and exercising a mandate. On the contrary, these stipulations require the League to supervise the execution of mandates entrusted to a specified Power for communities which formerly belonged to the Ottoman Empire. The supervision by the League of Nations of the various mandates entrusted to certain Powers for different regions of the former Ottoman Empire

hardly seems to be compatible with the execution by the League itself of a mandate for one of these regions. Having these considerations in mind, the Council, though it has no desire to give too narrow or pedantic an interpretation to its power, has come to the conclusion that the future of the Armenian nation could best be assured if a member of the League or some other Power could be found willing to accept the mandate for Armenia under the supervision and with the full moral support of the League, under the general conditions laid down under Article 22.

In order to assist the Council in ascertaining whether any member of the League would be prepared to accept such a mandate, it propounded certain inquiries to the Supreme Council regarding financial assistance to Armenia; the means of obtaining possession of and defending Armenian territory; and the provision to be made for giving Armenia free access to the sea, through the Port of Batoum, so as to assure communication between the republic and the proposed mandatory.

Protection of Minorities in Turkey

The question of the protection of minorities in Turkey was also brought before the Council in a telegram from Lord Curzon, dated March 12, asking to be informed whether the League of Nations would consent to guarantee the clauses of the treaty of peace, then in preparation, concerning the protection of minorities in Turkey. A report on the request, submitted by Baron Gaiffier d'Hestroy, the Belgian representative, stated that after considering whether the request falls within the competency of the Council, and whether any legal or other objections to compliance arise,

The Council has unanimously decided that its mission and the expectations of the civilized world require it to accede to this request. It considers that it would be carrying out the great task for which it was constituted by contributing in every possible way to prevent the repetition of the abominable crimes which have so often been committed in the territory of the Ottoman Empire, and thus prevent the recurrence of war, which these massacres may bring about.

No definite action could be taken, however, until the terms of the treaty of peace had been definitely concluded with Turkey.

Repatriation of Prisoners of War

The subject of the repatriation of prisoners of war in Siberia came before the Council in its fourth session at the suggestion of the Supreme Economic Council sitting in Paris. A report submitted to

the Council by Count Bonin Longare, the Italian representative, stated that "it is clear that the League could not undertake a more humane task, or one more in keeping with Article 25 of the Covenant by the terms of which the members of the League bind themselves to do all in their power to relieve the suffering of the world." The Council, therefore, agreed to entrust to a competent person the duty of investigating what was most necessary and urgent in order to accomplish the repatriation of the prisoners, and to carry out the measures required, subject to the intervention of the Council. The famous Norwegian explorer Nansen was subsequently entrusted with this mission.

Traffic in Women and Children

The first business brought before the Rome meeting was a report upon traffic in women and children, presented by M. Gastao da Cunha, the Brazilian representative. The report reviewed the work of the international conference, which met at Paris in 1902 and drafted an international convention on the subject, the results which were accomplished by the convention, and the work of the International Bureau for the suppression of the White Slave Traffic, aided by various national societies. The report stated that the International Bureau is now making efforts to convene a general conference of the national societies to make further recommendations and M. da Cunha therefore proposed that the Council adopt a resolution authorizing the appointment of an officer to be attached to the Secretariat of the League of Nations, whose special duty it will be to keep in touch with all matters relative to the white slave traffic, but that no steps be taken by the League until the recommendations of the proposed international conference have been submitted.

Plebiscite in Eupen and Malmedy

Charges by Germany that the Belgian authorities were adopting repressive measures to prevent a fair expression of public opinion in the territories of Eupen and Malmedy, in which plebiscites were being held in accordance with the Treaty of Versailles, were laid before the Council at its fifth session, with the request that the League of Nations use its authority to insure that the populations of these districts be given the opportunity freely to record their opinion. The charges were denied by Belgium, which made counter-charges alleging systematic German propaganda in the districts.

A report presented by M. Matsui called attention to the fact that the Treaty of Peace does not give the League any right to intervene previous to the communication by Belgium of the results of the plebiscite, and the Secretary-General of the League of Nations was directed to reply to the German complaint accordingly.

Frontier Between Belgium and Germany.

A further complaint was received from Germany protesting against a decision of the delimitation commission under Article 35 of the Treaty of Peace, to settle the new frontier between Belgium and Germany. M. Matsui reported upon this question at the same time that he reported upon the plebiscite question. He called attention to the fact that the delimitation commission was composed of representatives of Belgium and Germany and the Principal Allied Powers, and that the League of Nations is not mentioned. The report was approved by the Council.

Meeting of the Assembly of the League.

The time and place of the first meeting of the Assembly of the League were considered at the May meeting. From a report upon the subject presented by Mr. Coromilas, the Greek representative, it appeared that the following thirty-seven countries and dominions are now members of the League of Nations:

Argentine Republic	Denmark	Peru
Belgium	France	Poland
Bolivia	Greece	Portugal
Brazil	Guatemala	Roumania
British Empire—	Italy	Salvador
Canada	Japan	Serb-Croat-Slovene State
Australia	Liberia	Siam
South Africa	Netherlands	Spain
New Zealand	Norway	Sweden
India	Panama	Switzerland
Chile	Paraguay	Uruguay
Colombia	Persia	Venezuela
Czecho-Slovakia		

A telegram was sent to President Wilson, who, under Article 5 of the Covenant, was authorized to summon the first meeting of the

Assembly, requesting him to issue a summons for the meeting to be held in some European city between the 1st and 15th of November, 1920.

International Statistics.

Upon the recommendation of Mr. Destrée, the Belgian representative, the Council at its fifth session authorized the formation of a Commission on International Statistics to be composed of two representatives from the International Institute of Statistics and one representative each from the International Labor Office, the International Institute of Agriculture and the International Bureau of Commercial Statistics.

The organization of a "Permanent Advisory Armaments Commission Dealing with Military, Naval and Air Questions," was submitted by M. Léon Bourgeois at the fifth meeting of the Council. The resolutions adopted to enable the Council to carry out its duties under Articles 1-9 of the League of Nations are printed in the Supplement to this JOURNAL, page 363.

Secretariat of the League.

Mr. Balfour submitted at the fifth meeting a report on the staff of the Secretariat. Upon this subject the Council adopted the following resolution:

I. That in accordance with Article 6 of the Covenant by which the secretaries and staff of the Secretariat shall be appointed by the Secretary-General with the approval of the Council, the Council approve the provisional appointments made by the Secretary-General acting under the authority of the Organization Committee of the League of Nations. This approval is given for a period of five years, dating from the day of appointment if made after the coming into force of the treaty, and for the other appointments from the date of the coming into force of the treaty.

II. That the salaries provisionally allotted by the Secretary-General be approved by the Council until the budget has been confirmed by the Assembly.

III. That the continuance of the Secretariat in London, where the present provisional seat is established, be authorized, and that the date of a transfer to the permanent seat be decided by the Council after the Assembly has had the opportunity of discussion.

IV. That no member of the International Secretariat during the term of his or her appointment accept any honor or decoration (except for services rendered prior to such appointment).

Budget of the League.

An interesting report on the budget of the League was presented at the fifth session by M. de Leon, the Spanish representative. In this report the expenses of the League were divided into two main groups, first the direct expenses of the Secretariat, and secondly, the expenses incurred by the subsidiary organizations of the League, such as the International Labor Bureau. The total expenses incurred up to March 31, 1920, were £130,500. An estimate of expenses for April, May and June, 1920, was placed at the sum of £119,500. Under Article 6 of the Covenant the expenses of the Secretariat are borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union. The report stated that this system cannot be applied permanently to the League without giving rise to criticism and difficulties, because some states in the Universal Postal Union are not yet members of the League of Nations, because the area of several countries in the Union has been considerably reduced since the apportionment, and finally, because of the great expense of the League as compared with the small annual cost of the Union. The Secretariat was accordingly directed to send a questionnaire to all members of the League, requesting information which will enable the League to consider a more equitable method of apportionment.

A second part of the report dealt with the monetary unit to be used as the basis of the budget. The various standards that might be adopted, including a currency to be established by the League of Nations for its own use, were considered, and it was provisionally decided that the next budget should be based upon gold francs or their equivalent, and the members of the League were requested to make payments accordingly.

Relations of Technical Organizations with League.

An administrative matter concerning the relations between the technical organizations of the League, on the one hand, and the Council and the Assembly, on the other, was the subject of a resolution by the Council at its fifth meeting. The resolution provided that the interior working of the various technical organizations should be independent, but that their relations with the members of the League should be under control.

Registration and Publication of Treaties.

The final matter passed upon at the fifth session was the registration and publication of treaties as prescribed under Article 18 of the Covenant of the League of Nations. A memorandum upon this subject, which was approved by the Council, is printed in the Supplement hereto, page 366.

GEORGE A. FINCH.